THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :3597 of 2007

DATED:26-02-2007

BETWEEN:

Chackulikal Lucy Francis Health Care
& Research Centre Association (CLFHCRCA),
Rep., by Smt.Lucy Francis,
Rep., by her Agreement of sale-cum-GPA holders,
K.Amar Lingareddy & 2 others,
Madhuranagar Shamsabad,
Rangareddy District.

.....
PETITIONERS

AND

The Commissioner of Police,
Cyberabad at Lakdikapool,
Hyderabad & 4 others.

.....RESPONDENTS

ORDER:

Heard the learned counsel appearing for the petitioners as well as the learned Government Pleader for Home; and the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents enabling the unofficial respondents to grab the schedule property, Plot Nos.229 & 230 admeasuring
182.77 sq.yds each, plot No.231 admeasuring 202.22 sq.yds; Plot Nos.251 & 252 admeasuring 202.22 sq.yds each, and Plot No.253 admeasuring 231.11 sq.yds totalling 1209.97 sq.yds in Sy.No.266 situated at Pedda Amberpet village, Hayathnagar mandal, Rangareddy District, through police protection under the guise of alleged survey of the third respondent, without taking any action on the complaint, dated 26-02-2007, regarding demolition of the compound wall, as illegal and arbitrary.

3. Learned counsel appearing for the petitioners submits that on a representation, dated 27-01-2007, filed by the 5th respondent before the 1st respondent-Commissioner of police, Cyberabad, requesting to arrange police protection to get the survey work completed without any disturbance, an endorsement has been made to the Assistant Commissioner of Police and the Assistant Commissioner of Police inturn instructed the Station House Officer, Hayathnagar to give

necessary police protection and under the guise of the said police protection the compound wall of the petitioners has been demolished by the respondents 4 and 5. Therefore, the petitioners made a written representation on

25-02-2007 before the Station House Officer, Hayathnagar to take appropriate action against the offenders. It is stated that though the said written representation has been filed no action has been taken against the persons who have illegally demolished the compound wall of the petitioners.

4. While conducting the survey pursuant to the Assistant Director, Survey and Land records, Rangareddy District, under the guise of police protection if anybody exceed their limits and jurisdiction and demolish any compound wall belonging to the petitioners, no doubt, it constitutes an offence but however I am of the opinion that the petitioners have got an effective alternative remedy of filing a private complaint before the concerned Magistrate seeking appropriate action. This Court considered and held the similar issues against the petitioner in W.P.Nos.21709 of 2005 & batch vide common order, dated 06-02-2007.

5. Following the above said common order, this Writ Petition is dismissed. No order as to costs.

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V.ESWARAIAH,J

26th February, 2007.
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